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April 1, 2021

Via ECF

Magistrate Judge Sanket J. Bulsara
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: Hyun Hwangbo, et al. v. Kimganae, Inc., et al.
Civil Case No. 1:19-cv-06356 (DLI) (SJB)

Dear Judge Bulsara:

My office represents the Defendants in the above-referenced matter. Please allow this letter to serve as Defendants' opposition to Plaintiffs' motion to compel the deposition of Hyang Kyum Kim.

As set forth in Plaintiffs' motion, Plaintiffs noticed the deposition of Ms. Kim to be conducted remotely, via Zoom or similar video conferencing system, on March 26, 2021 at 10:00 a.m. Ms. Kim lives in Korea, which has a 13-hour time difference from Eastern Standard Time. Defendants explained this to Plaintiffs' counsel and he agreed to schedule Ms. Kim's deposition for 6:00 p.m. Eastern Standard Time. This, however, was not the only difficulty with scheduling Ms. Kim's deposition remotely using Zoom or a similar video conferencing system.

As Defendants informed Defendants' counsel, Ms. Kim is an approximately 68-year-old woman currently living alone in Korea. She does not have the technology necessary to have her deposition conducted using a video conferencing system. Additionally, she has never used such technology and does not have someone in Korea who could provide her with the technological assistance necessary to set up the deposition materials or log into the deposition platform to participate.

None of the deposition testimony cited by Plaintiffs contradicts Ms. Kim's inability to use a video conferencing system. All of the testimony cited by Plaintiffs establishes that Ms. Kim has and is capable of using a cellphone. This is a far cry from having the equipment and capacity to use a video conferencing system and to access any exhibits or other materials used by Plaintiffs' counsel during the course of a remote deposition.

Given the above, Defendants' counsel advised Plaintiffs' counsel that the discovery he seeks could be more readily available either through other Defendants or by an alternate means of discovery, rather than a deposition, directed to Ms. Kim.

LOCATIONS

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Thank you for your time and consideration of this matter.

Respectfully submitted,

/s/ Joshua S. Lee
JOSHUA S. LEE

cc: Brian L. Greben, Esq. (via ECF)